

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY L. SQUARE and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, Oklahoma City, OK

*Docket No. 98-1641; Submitted on the Record;
Issued August 14, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issues are: (1) whether the Office of Workers' Compensation Programs properly determined that an overpayment of compensation occurred in the amount of \$6,188.30 for the period March 23, 1992 through March 5, 1995 when appellant received compensation based on an incorrect rate of pay; (2) whether the Office properly found that appellant was without fault in the creation of the overpayment; (3) whether the Office properly denied waiver of the overpayment; and (4) whether the Office acted properly in withholding \$500.00 from each of appellant's continuing compensation checks to recover the overpayment.

The Board has given careful consideration to the issues involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office dated January 27, 1998 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

The decision of the Office of Workers' Compensation Programs dated January 27, 1998 is hereby affirmed.

Dated, Washington, D.C.
August 14, 2000

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member